

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 22-20114-CR-WILLIAMS

UNITED STATES OF AMERICA,

Plaintiff,

v.

CARLOS RAMON POLIT FAGGIONI,

Defendant.

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**ORDER**

**THIS MATTER** is before the Court on Magistrate Judge Lisette M. Reid's Report and Recommendation (DE 102) ("**Report**") on Defendant Carlos Ramon Polit Faggioni's ("**Defendant**") Motion to Dismiss the Indictment for Failure to State an Offense (DE 63) and Motion to Dismiss Counts 1 through 5 of the Indictment based on the applicable statute of limitations (DE 64) (collectively the "**Motions to Dismiss**"). In the Report, Judge Reid recommends that the Motions to Dismiss be denied. (DE 102 at 1.) Defendant filed an Objection to the Report (DE 103), to which the Government filed a Response (DE 105). Defendant then filed a Reply in Support of His Objections (DE 106), and the Government filed an Unopposed Motion for Leave to File a Sur-Reply to Defendant's Objections (DE 107). The Court conducted a *de novo* review of the portions of the Report to which Defendant objected and a review of the remainder of the Report for clear error.

Having carefully reviewed the Report, Defendant's Objections (DE 103; DE 106), the Government's Response (DE 105) and Sur-Reply (DE 107-1), the record, and

applicable law, it is **ORDERED AND ADJUDGED** as follows:

1. The Government's Unopposed Motion for Leave to File a Sur-Reply to Defendant's Objections to the Report and Recommendation on Motions to Dismiss Indictment (DE 107) is **GRANTED**. The Government's Sur-Reply to Defendant's Objections (DE 107-1) is deemed filed.
2. The Report (DE 102) is **AFFIRMED AND ADOPTED**.
3. Defendant's Motion to Dismiss the Indictment for Failure to State an Offense (DE 63) is **DENIED**.
4. Defendant's Motion to Dismiss Counts 1 through 5 of the Indictment based on the applicable statute of limitations (DE 64) is **DENIED**.

**DONE AND ORDERED** in Chambers in Miami, Florida, this 16th day of October, 2023.

  
KATHLEEN M. WILLIAMS  
UNITED STATES DISTRICT JUDGE